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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Matthias Helmstetter
Serial No.	:	10/690,236
Filing Date	:	October 21, 2003
For	:	GAS BAG MODULE AND VEHICLE STEERING WHEEL COMPRISING SUCH GAS BAG MODULE
Group Art Unit	:	3616
Examiner	:	Barry J. Gooden Jr.
Attorney Docket No.	:	TRW(ASG)6800

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This is a Reply Brief in response to the Examiner's Answer dated July 19, 2007. This Reply Brief addresses the status of claims in paragraph 3, the grounds of rejection set forth in paragraph (9) of the Examiner's Answer, and the response to arguments in paragraph (10) of the Examiner's Answer.

I. **STATUS OF CLAIMS**

The status of the claims is as follows:

Claims 3-8, 11 and 16 are currently pending in this application. Claims 1, 2, 9, 10, and 12-15 have been canceled. Claim 11 is allowed. Claims 6 and 16 are objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 5, and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,688,638 to Schutz (hereinafter, Schutz). Claims 4 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz in view of U.S. Patent No. 5,380,037 to Worrell et al. (hereinafter, Worrell). The rejections of claims 3-5, 7, and 8 are appealed.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 3, 5, and 7 are anticipated under 35 U.S.C. 102(e) by Schutz.
- B. Whether claims 4 and 8 are unpatentable under 35 U.S.C. 103(a) as being obvious over Schutz in view of Worrell.

III. **ARGUMENTS**

A. **The rejection of claims 3, 5, and 7 under 35 U.S.C. 102(b) as being anticipated by Schutz**

As a preliminary matter, claim 3 recites that the generator carrier comprises a multiple-plastic component, and the detent elements comprise said multiple-component plastic. Claim 3 does not recite that the carrier and detent elements consist at least partially of a multiple-component plastic, contrary to that which is stated in the Examiner's Answer on page 3.

Applicant maintains that Schutz does not meet the criteria for an anticipation rejection of claims 3, 5, and 7, because Schutz does not disclose or suggest detent elements comprising a multiple component plastic, as recited in claim 3, 5, and 7. At page 5, lines 12-15 of the Examiner's Answer, the Examiner maintains that "Schutz discloses a plastic pin of one plastic material with a holding surface having the insulation, of a separate plastic material, provided thereon". Applicant respectfully disagrees. Schutz does not disclose that the holding surface is plastic. The holding surface could be made of an insulation material (e.g. silicon dioxide, rubber, glass) other than plastic. Nowhere in the specification of Schutz is mentioned that the insulation is of a plastic material. Further, not only does Schutz fail to disclose that the insulation is plastic, Schutz also fails to disclose that the insulation is a plastic material separate from the plastic pin. Moreover, in Schutz, insulating material on the holding surface 42 is not necessary because the plastic pin itself provides the necessary insulation.

Furthermore, the passage in Schutz at column 3, lines 52-60 clearly and explicitly states that **EITHER**: 1) the pin 32 can be metallic as shown and can have

an insulation on the holding surface 42, OR 2) the pin 32 can be plastic and the contact surface be provided with a metallization. The clear wording in Schutz is that of two alternative constructions, neither of which is directed to a pin having a multi component plastic construction.

The specification at column 3, lines 53-55 specifically states that the pin can be metallic as shown and can have an insulation on the holding surface 42. The specification also states at column 2, lines 49-51 that the "holding surface is electrically insulated from the pin 32, for example by a coating or disc of insulating material which is placed on it". Thus, when referring to coating the holding surface, the specification is clearly referring to the metallic pin construction and not the plastic pin construction. A plastic pin does not require electrical insulation. Viewing the totality of the disclosure in Schutz, one having ordinary skill in the art clearly would appreciate that Figs. 2a and 2b, as well as the other figures of Schutz, show a metallic not plastic pin with a holding surface 42 that can have insulating material. This metallic pin is the only construction that is described in detail throughout the specification. Schutz only mentions briefly at column 3, lines 55-57, that the pin could be plastic with the contact surface 40 provided with a metallization. Schutz does not disclose that this plastic pin construction has an insulated holding surface. The insulated holding surface is mentioned only in regard to the metal pin. In fact, as mentioned above, insulating material on the holding surface 42 is not necessary and would serve no purpose because the plastic pin itself would be non-conductive. The Examiner is clearly drawing an improper inference from the teachings of Schutz and is mixing mutually exclusive features from two separate and distinct

embodiments. The fact of the matter bears repeating: in Schutz, the pin is EITHER: 1) insulated metal OR 2) plastic with a metalized surface. There is no “middle ground” teaching or suggestion of an electrically insulated plastic.

At the last paragraph of page 5 of the Examiner's Answer, the Examiner states that “the spring force urges the spring wire against a holding surface which is clearly provided with an insulation thereon”. The Examiner then leaps to the conclusion that the insulation is clearly included in the means for preventing rattling and noise”. This is speculation at best as there is certainly no teaching of this in Schutz. It is clear that the springs 56 prevent ratting of the gas bag module 12 by exerting a force on the gas bag module so that the spring wire 52 lies free of play against the holding surface 42. This spring force urges the spring wire 52 against the holding surface 42 to prevent rattling and noise, regardless of whether the holding surface has insulation. Schutz does not disclose that the insulation prevents or is required to prevent the rattling and noise. The insulation plays no role in preventing rattling and noise. The insulation is disclosed only as being required to prevent electrical conduction through the metal pin. Thus, Schutz does not teach or suggest the need for the holding surface to be constructed of a different material in the plastic pin embodiment.

For the reasons set forth above, Schutz does not meet the criteria for an anticipation rejection of claims 3, 5, and 7, because Schutz does not disclose or suggest detent elements comprising a multiple component plastic.

B. The rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Schutz in view of Worrell

Applicant maintains that rejection of claim 4 under 35 U.S.C. 103(a) fails to establish a prima facie case for obviousness using Schutz in view of Worrell and thus, should be reversed.

Claim 4 recites that the multiple-component plastic comprises a carrier material and a coating. Neither Schutz nor Worrell taken alone or in combination teach or suggest this structure. Neither the figures nor the specification of Worrell disclose a multiple-component plastic that comprises a carrier material and a coating. At the second paragraph of page 6 of the Examiner's Answer, the Examiner argues that "Worrell clearly discloses a multiple-component plastic in the form of a carrier material and a coating". Applicant respectfully disagrees. Worrell merely discloses a container 18 covered by an outer soft cover or pad 20. The pad or cover 20 is not a coating on the container 18, it is a separate part secured to the container 18, presumably by an adhesive. Thus, the rejection of claim 4 under 35 U.S.C. 103(a) fails to establish a prima facie case for obviousness because the proposed combination of Schutz and Worrell does not teach or suggest all of the limitations of claim 4.

At the third paragraph of page 6 of the Examiner's Answer, the Examiner states that "Schutz discloses all of the claimed elements except for the projecting section consisting of a multiple-component plastic". The Examiner mentions that "Worrell et al. is only meant to render this subject matter not disclosed in Schutz as obvious...". Claim 4 however, does not recite a projecting section consisting of a multiple-component plastic. Hence, since claim 4 does not recite this feature, it

appears that the Examiner is implying that Schutz does not disclose a multiple-component plastic comprising a carrier material and a coating and that Worrell is allegedly used to render this subject matter of claim 4 as obvious. Not only does this fly in the face of the rejections discussed in section A above, but it at least warrants clarification on the part of the Examiner. In any event, Applicants maintain that Schutz and Worrell taken alone or in combination do not teach or suggest a multiple-component plastic comprising a carrier material and a coating.

The only reason supplied by the Examiner in rejecting claim 4, is that it would be obvious to modify the apparatus of Schutz to include a multiple-component plastic of Worrell "so as to increase the outward appearance and feel". Since the Examiner has not identified exactly what component has its outward appearance and feel improved, we presume it to be the steering wheel. Nevertheless, for the reasons set forth below the Examiner's reasoning is incorrect.

The Examiner has not set forth any articulated reasoning to support his position. It is unclear exactly what is meant by "increasing" the outward appearance and feel. The Examiner has not supplied any reasoning or rationale as to why one having ordinary skill in the art would find it desirable to "increase" the outward appearance and feel of a steering wheel by forming a detent element used to secure a generator carrier to a steering wheel from a multiple component plastic. The detent element is not visible to the vehicle operator, so it is unclear how the outward appearance of the steering wheel would be considered by one having ordinary skill in the art as being affected by the detent element. Also, the Examiner has set forth no reason why or how a multiple plastic component detent element would improve

the feel of the steering wheel. Schutz clearly sees no effect – a metal pin with an insulation material is just as good as a plastic pin with metallization. Further, the Examiner has set forth no reasoning or rationale as to why one having ordinary skill in the art would resort to a multiple-component plastic to achieve this purpose. Again, the references clearly offer no teaching or suggestion in this regard. The fact of the matter is that the rejection sets forth two references, neither of which teaches or suggest the elements recited in claim 4, and supplies the “increasing the outward appearance and feel” rationale in a conclusory manner without any reasoning or explanation whatsoever.

For the reasons set forth above, the rejection of claim 4 is improper because it fails to provide any articulated rational reasoning to support a finding of obviousness.

C. The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Schutz in view of Worrell

Applicant maintains that rejection of claim 8 under 35 U.S.C. 103(a) fails to establish a prima facie case for obviousness using Schutz in view of Worrell and, thus, should be reversed.

In the first paragraph of page 7 of the Examiner’s Answer, the Examiner states that “Appellant reiterates arguments not commensurate with the Appeal of the rejection of obviousness”. Although unsure of exactly what this means, applicant disagrees and points out that all of the obviousness rejections set forth by the Examiner are addressed with specificity in the Appeal Brief. In particular, Applicant argues that the rejection of claim 8 under 35 U.S.C. 103(a) fails to establish a prima facie case for obviousness because the proposed combination of Schutz and Worrell does not teach or suggest all of the limitations of claim 8. Claim 8 depends from

claim 3, which recites that the detent elements comprise the multiple component plastic. Schutz does not disclose or suggest detent elements comprising a multiple component plastic for the reasons stated above with regard to claim 3. Worrell does not cure this deficiency because it also does not disclose or suggest detent elements comprising a multiple component plastic. Thus, the rejection of claim 8 under 35 U.S.C. 103(a) fails to establish a prima facie case for obviousness because the proposed combination of Schutz and Worrell does not teach or suggest all of the limitations of claim 8.

The Examiner maintains that the motivation provided in the previous rejection, even though not explicitly taught in the reference, is proper. Again, with respect to Claim 8, the Examiner states that it would be obvious to combine the container and do "so as to increase the outward appearance and feel". Applicant respectfully disagrees since the Examiner has not identified exactly what component has its outward appearance and feel improved, we presume it to be the steering wheel. Again, for the same reasons set forth above in regard to Claim 4 and reiterated below, the Examiner's reasoning is incorrect.

The Examiner has not set forth any articulated reasoning to support his position. It is unclear exactly what is meant by "increasing" the outward appearance and feel, and the Examiner has not supplied any reasoning or rationale as to why one having ordinary skill in the art would find it desirable to "increase" the outward appearance and feel of a steering wheel by forming a detent element used to secure a generator carrier to a steering wheel from a multiple component plastic. The detent element is not visible to the vehicle operator, so it is unclear how the outward

appearance of the steering wheel would be considered by one having ordinary skill in the art as being affected by the detent element. Also, the Examiner has set forth no reason why or how a multiple plastic component detent element would improve the feel of the steering wheel. Schutz clearly sees no effect – a metal pin with an insulation material is just as good as a plastic pin with metallization. Further, the Examiner has set forth no reasoning or rationale as to why one having ordinary skill in the art would resort to a multiple-component plastic to achieve this purpose. Again, the references clearly offer no teaching or suggestion in this regard. Thus, the rejection of claim 8 clearly lacks any articulated rational reasoning to support a finding of obviousness.

D. Conclusion

Claims 3, 5, and 7 are not anticipated by Schutz. Claims 4 and 8 are not obvious over Schutz in view of Worrell. Reversal of these rejections is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew M. Shaheen', is written over a horizontal line.

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